

## **REMARKS**

Claims 1-11 are pending in the application.

By the foregoing Amendment, new independent claim 11 and dependent claims 12-15 are added. Claim 6 is amended to delete the dependency from claim 1.

These changes are believed not to introduce new matter, and entry of the Amendment is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

### **Restriction Requirement under 35 U.S.C. § 121**

In the Office Action dated December 30, 2004, election was required of one of the following inventions: invention I (claims 1-5) and invention II (claims 6-10).

In response to the restriction requirement, applicant elects invention I (original claims 1-5 and new claims 11-15), with traverse, inasmuch as independent method claim 1 recites introducing into a soil area the soil working implement that is recited in independent apparatus claim 1, the remaining steps recited in method claim 1 for making a foundation member in the ground correspond to the functions performed by the remaining apparatus elements of claim 6, and claim 6 is itself directed to a device for making a foundation member in the ground. Further, new claim 11 is provided as a linking claim between method claim 1 and apparatus claim 6, reciting a method for making a foundation member in the ground using all of the apparatus elements recited in claim 6 and all of the steps recited in claim 1.

Reconsideration and withdrawal of the restriction requirement are accordingly respectfully requested.

**Conclusion**

All requirements have been complied with, properly traversed, or rendered moot. Thus, it now appears that the application is in condition for examination and allowance. Should any questions arise, the Examiner is invited to call the undersigned representative so that this case may receive an early Notice of Allowance.

Favorable consideration and allowance are earnestly solicited.

Respectfully submitted,

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